

MEETING #26 – August 3

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on August 3, 2016 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Robert W. Campbell, Member
Kevin McGhee, Member
Charlotte Hoffman, Member
V. R. Shackelford, III, County Attorney
Daniel J. Campbell, County Administrator
Betty Grayson, Zoning Administrator

Planning Commission:

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

2. Approval of Minutes

The minutes of the July 6, 2016 joint meeting were approved as presented.

3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

58-62B

a. Case No. SU-08-16-15: Request by Lometa Land, LLC and Senterfitt Cattle Company, LLC (contract purchaser) of property owned by Lakeview Farm, LLC for an indefinite special use permit to operate a livestock market to include cattle auctions. This property is located off Route 230 near Radiant and contains 117.797 acres of land, zoned A-1. Letters were received from: Madison Health Department (dated July 27, 2016); Frank A. Thomas, III, P.L.C. (dated August 2, 2016); VDOT (dated August 2, 2016); and an additional letter from the Madison Health Department (dated August 3, 2016).

The Madison Health Department has included five conditions stated as follows:

1. *The number of auctions is limited to one per week. These sales will consist of the acquisition of the animals on Monday of each week and the sale will be held on Tuesday (consistent with the applicant's request). The actual day of the sale may differ as listed but shall be limited to one per week (revised as above)*
2. *The maximum number of buyers on site will be limited to 15 (number provided by the applicant).*
3. *The maximum number of employees (including owner and/or operators as provided by the applicant) will be limited to 4 per day.*
4. *Waiver meter/s shall be read"*
 - *Day 1, the day prior to animal acquisition*
 - *Day 2, at the end of the day of animal acquisition*
 - *Day 3, at the end of the sale day*

'A record of these readings shall be maintained and reported to the Madison County Health Department on a monthly basis (time, date and meter reading shall be recorded). The reports shall be received into the health department by the 15th of each month. This monitoring shall be required for a minimum period of 6 months from the date of the change of ownership.'

5. *The owner will be responsible to contract with a design engineer to develop a sewage system to serve this facility if this operation changes in frequency and/or the water usage monitoring shows the sewage flow exceeds the design flow (1.50 gallons per day [gpd] of the existing sewage disposal system.*

Reference was also made regarding the paragraph that indicated “*the history of water meter readings support that the design flow has not been exceeded by the current use of the facility. A site visit on July 26, 2016 the existing sewage disposal system was found to be functioning properly at this time.*”

Frank Thomas, III, was present on behalf of the applicant, and advised that the restrictions/conditions being proposed will have adverse effect in the applicant's proposed plans for the property, and advised that (in his opinion), Dwayne Dixon, Sanitarian, has taken restrictions and converted them into 'conditions', which is the essence of the problem. In closing, he urged the Madison County Planning Commission and the Madison County Board of Supervisors to approve tonight's application request without the recommended conditions.

T. A. Houston (Culpeper) was present and advised that the health regulations don't have a category for a cattle operation; he also noted that the existing system was designed by Mr. Dixon of the Madison Health Department, and that the initial sewage flow was put at 150 gallons per day. In closing, based on historical design information, he feels there may be a problem with the total allowable usage in the event there is a leak.

R. Clay Jackson, applicant, was present and advised items requested by Mr. Dixon are being done.

It was also noted that there are two (2) meters: one is attached at the barn and the other meter is attached at the water pump and measures the water coming from the well into the system.

Mr. Yowell, Chair, questioned what authority the Commission has to override requirements presented by the State Health Department.

Mr. Houston noted that rules/regulations as required will be followed; however, he and questioned where the regulations for auctions (i.e. attendees) is noted, and also referred to design and safety factor calculations ad indicated (i.e. fifty-sixty percent [50%-60%]).

Lloyd Williams, Commission member, referred to the County's guidelines (within the ordinance) pertaining to auctions and the maximum capacity requirement that's in place for the use of the septic field and restrooms.

Discussions focused on:

- ✓ Conditions (requested by Mr. Dixon in the past week)
- ✓ The applicants' desire to attain some resolution on the matter
- ✓ Request that Mr. Dixon be asked to attend the meetings

The County Attorney referred to condition #5 as presented by Dwayne Dixon that stated: “*The owner will be responsible to contract with the design engineer to develop a sewage system to serve this facility; if this operation changes in frequency and/or the water usage monitoring shows that the sewage flow exceeds the design flow of 150 gallons per day of existing sewage disposing system....*”

And urged all parties to consider the aforementioned condition.

Additional concerns focused on:

- ✓ The health, safety and welfare of the County
- ✓ Conditions suggested by Mr. Dixon
- ✓ Paragraph regarding frequency of operations (one auction per week)

The County Attorney suggested a wording change to condition #5 to be as follows: “*The owner will be responsible to contract with the design engineer to develop a sewage system to serve this facility, if this operation changes so that the sewage flow exceeds the design flow of 150 gallons per day of existing sewage disposal system.*”

In closing, he stated that if the sewage system exceeds 150 gallons per day, the owner will need to take action.

After discussion, the Madison County Planning Commission recommended that Case No. SU-08-16-15 be presented to the Madison County Board of Supervisors for approval with the condition that ‘the owner will be responsible to contract with the design engineer to develop a sewage system to serve this facility; if this operation changes in frequency and/or the water usage monitoring shows that the sewage flow exceeds the design flow of 150 gallons per day of existing sewage disposing system.’

Mr. Yowell, Chair, advised that the next workshop will be scheduled for August 17th at 7:00 p.m.; the Commission will be looking and the shooting range and the ordinance.

4. Adjournment

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's meeting.

Board of Supervisors

Call to Order

Supervisor Weakley called the Board's portion of tonight's meeting to order and noted that Chairman Jackson will recuse himself from tonight's discussion.

1. Determine Presence of a Quorum
2. Adoption of Agenda

***Chairman Jackson** returned after action on tonight's case to adopt tonight's agenda.

Supervisor Campbell moved to adopt the Agenda as presented, seconded by Supervisor McGhee. *Ayes: Weakley, McGhee, Campbell, Hoffman. Stepped Down: Jackson. Nays: (0).*

Chairman Jackson called the Madison County Board of Supervisors to order. All members are present – a quorum was established.

Additions to the Agenda:

- Closed Session 2-2-3711(A)(1) Pertaining to discussion, consideration of perspective candidate(2) for employment for Assistant County Administrator/Director of Finance position]

3. Action Items:

- a. Case No. SU-08-16-15: Request by Lometa Land, LLC and Senterfitt Cattle Company, LLC.....

Supervisor Campbell noted that, in his opinion, tonight's requirements are an issue of terrible overreach and isn't practical (i.e. 150 gallons per day requirement); feels the Madison Health Department can always shut a system down if the sewage system is found to be out of compliance at any time, and feels there is sufficient land in place to accommodate the addition of more lines and/or septic tanks for expansion. In closing, he recommended the Board approve tonight's case with no conditions/requirements, and allow the applicant to conduct business as requested; he also noted that if four (4) employees are on site, this will be insufficient staff to appropriately run the auction operation.

Supervisor McGhee noted that Mr. Dixon is trying to protect the safety and health of the County.

Supervisor Hoffman verbalized concerns that the applicant will only be allowed to hold one auction per month, and the conditions regarding the number of people to attend and total number of employees; feels the Board issues the special use permit and should be allowed to advise of any proposed conditions.

Supervisor Weakley noted that today's issue (on the part of the Madison Health Department) seems to be repetitive and has caused a stigma in the County and is unfriendly for business; also noted that the Madison Health Department is a State agency, which he respects. He further questioned the legal requirements being requested (i.e. sewer reports), and in his opinion, he feels the requirements are being requested through a different agency and presented to the Madison Health Department, and are an overreach. In closing, he noted that the original application was a 'carbon copy' of what was used in the past (i.e. number of sales, etc.). The County is an agricultural locality and it's felt that additional business is a definite asset, and would be in favor of approval with or without the proposed conditions/stipulations.

Supervisor Campbell moved the Board approve Case No. SU-08-16-15, with no stipulations, seconded by Supervisor Hoffman.

Discussion:

The County Attorney noted that it's the Board's prerogative to approve the case as stated.

Ayes: Weakley, Campbell, McGhee, Hoffman. Stepped down: Jackson. Nays: (0).

*Supervisor Weakley turned the meeting back over to Chairman Jackson.

4. Madison County Planning Commission Recommendations Pertaining to Zoning Office Fee Schedule

Chairman Jackson questioned the Board's desires pertaining to the recommendations concerning the Zoning Office fee schedule; he also noted that the existing fees apply to zoning actions within Madison County.

- Supervisors Campbell, McGhee and Hoffman verbalized agreement with the zoning fee schedule as recommended by the Madison County Planning Commission.

- Supervisor Weakley noted agreement with the recommendations, but suggested the Board review the number of copies the applicants are now being required to provide.

Betty Grayson, Zoning Administrator, noted that eight (8) signed record copies are required to be on hand, and that paper copies are no longer being provided at each meeting for the commission members. In closing, she noted that if the documents are large items, the applicant is required to provide them, as her office isn't able to produce larger copies of documents.]

After discussion, it was the consensus of the Board to accept the recommendations as presented by the Madison County Planning Commission regarding the Zoning Fee Schedule.

5. Information/Correspondence- None

Chairman Jackson noted that the Board will need to convene in a closed session to discuss the Assistant County Administrator/Director of Finance Position.

6. a. Closed Session: 2.2-3711(A)(7) – [Consultation with Legal Counsel Pertaining to Discussion of Personnel Matters Involving the Assistant County Administrator/Director of Finance Position]

a. Closed Session: On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board convened in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(7), regarding consultation with legal counsel pertaining to discussion of personnel matters involving the Assistant County Administrator/Director of Finance position, with the following vote recorded: *Aye: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

b. Motion to Reconvene In Open Session:

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board reconvened in open session, with the following vote recorded: *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

c. Motion to Certify Compliance:

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(7), and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

No action was taken as a result of closed session

7. Adjournment

With no further action being required, on motion of Supervisor McGhee, seconded by Supervisor Hoffman, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors
Adopted on: August 9, 2016
Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda
Joint Meeting and Public Hearing
Madison County Board of Supervisors
Wednesday, August 3, 2016 at 7:00 p.m.
Madison County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items

58-62B

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4. Adjournment

Board of Supervisors

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1. Determine Presence of a Quorum
2. Adoption of Agenda
3. Action Items:

58-62B

a. Case No. SU-08-16-15: Request by Lometa Land, LLC and Senterfitt Cattle Company, LLC

4. Madison County Planning Commission Recommendations Pertaining to Zoning Office Fee Schedule
5. Information/Correspondence (if any)
6. ***a. Closed Session [2.2-3711(A)(1) Pertaining to discussion, consideration of perspective candidate(s) for employment for Assistant County Administrator/Director of Finance position]***
7. Adjournment

****AMENDMENT NOTED IN ROYAL BLUE WITH YELLOW HIGHLIGHT****